

By: Van de Putte  
(Patrick)

S.B. No. 1159

Substitute the following for S.B. No. 1159:

By: Menendez

C.S.S.B. No. 1159

A BILL TO BE ENTITLED

AN ACT

relating to higher education for certain military personnel and  
their dependents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter W, Chapter 51, Education Code, is  
amended by adding Section 51.844 to read as follows:

Sec. 51.844. READMISSION OF CERTAIN MILITARY PERSONNEL TO  
GRADUATE AND PROFESSIONAL PROGRAMS. (a) This section applies only  
to a person who:

(1) was previously offered admission to, or was  
enrolled in, a graduate program or professional program at a  
general academic teaching institution or medical and dental unit;

(2) did not initially enroll in the program, or  
withdrew from the program, as applicable, because of the person's  
deployment as a member of the armed forces of the United States  
serving on active duty for the purpose of engaging in a combative  
military operation outside the United States; and

(3) seeks readmission to the program following the  
person's military deployment under Subdivision (2).

(b) A general academic teaching institution or a medical and  
dental unit must, regardless of the time since the person was  
initially offered admission to, or withdrew from, the program, as  
applicable:

(1) readmit a person to whom this section applies to

1 the applicable graduate or professional program;

2 (2) apply credit toward the program for any course  
3 work previously completed by the person under the program; and

4 (3) accept a standardized test score previously  
5 submitted by that person for admission to the program.

6 SECTION 2. Section 54.341, Education Code, is amended by  
7 amending Subsections (a), (a-2), (b), (e), (k-1), (l), (m), and (n)  
8 and adding Subsection (a-4) to read as follows:

9 (a) The governing board of each institution of higher  
10 education shall exempt the following persons from the payment of  
11 tuition, dues, fees, and other required charges, including fees for  
12 correspondence courses but excluding general deposit fees, student  
13 services fees, and any fees or charges for lodging, board, or  
14 clothing, provided the person seeking the exemption currently  
15 resides in this state or resides outside of this state due to the  
16 person's military assignment or the military assignment of the  
17 person's spouse and entered the service at a location in this state,  
18 declared this state as the person's home of record in the manner  
19 provided by the applicable military or other service, or would have  
20 been determined to be a resident of this state for purposes of  
21 Subchapter B at the time the person entered the service:

22 (1) all nurses and honorably discharged members of the  
23 armed forces of the United States who served during the  
24 Spanish-American War or during World War I;

25 (2) all nurses, members of the Women's Army Auxiliary  
26 Corps, members of the Women's Auxiliary Volunteer Emergency  
27 Service, and all honorably discharged members of the armed forces

1 of the United States who served during World War II except those who  
2 were discharged from service because they were over the age of 38 or  
3 because of a personal request on the part of the person that the  
4 person be discharged from service;

5 (3) all honorably discharged men and women of the  
6 armed forces of the United States who served during the national  
7 emergency which began on June 27, 1950, and which is referred to as  
8 the Korean War; and

9 (4) all persons who were honorably discharged from the  
10 armed forces of the United States after serving on active military  
11 duty, excluding training, for more than 180 days and who served a  
12 portion of their active duty during:

13 (A) the Cold War which began on the date of the  
14 termination of the national emergency cited in Subdivision (3);

15 (B) the Vietnam era which began on December 21,  
16 1961, and ended on May 7, 1975;

17 (C) the Grenada and Lebanon era which began on  
18 August 24, 1982, and ended on July 31, 1984;

19 (D) the Panama era which began on December 20,  
20 1989, and ended on January 21, 1990;

21 (E) the Persian Gulf War which began on August 2,  
22 1990, and ends on the date thereafter prescribed by Presidential  
23 proclamation or September 1, 1997, whichever occurs first;

24 (F) the national emergency by reason of certain  
25 terrorist attacks that began on September 11, 2001; or

26 (G) any future national emergency declared in  
27 accordance with federal law.

(a-2) The exemptions provided for in Subsection (a) also apply to the spouse of:

(1) a member of the armed forces of the United States:

(A) who was killed in action;

(B) who died while in service;

(C) who is missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(E) who became totally and permanently disabled or meets the eligibility requirements for individual unemployability [~~for purposes of employability~~] according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or

(2) a member of the Texas National Guard or the Texas Air National Guard who:

(A) was killed since January 1, 1946, while on active duty either in the service of this state or the United States; or

(B) is totally and permanently disabled or meets the eligibility requirements for individual unemployability [~~for purposes of employability~~] according to the disability ratings of the Department of Veterans Affairs, regardless of whether the member is eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

1        (a-4) Subsection (a-2) or (b) applies only if the member of  
2 the armed forces of the United States entered the service at a  
3 location in this state, declared this state as the person's home of  
4 record in the manner provided by the applicable military or other  
5 service, or would have been determined to be a resident of this  
6 state for purposes of Subchapter B at the time the person entered  
7 the service. The member is not required to meet any other  
8 requirements of Subsection (a).

9        (b) The exemptions provided for in Subsection (a) also apply  
10 to:

11            (1) the children of members of the armed forces of the  
12 United States:

13                    (A) who are or were killed in action;  
14                    (B) who die or died while in service;  
15                    (C) who are missing in action;  
16                    (D) whose death is documented to be directly  
17 caused by illness or injury connected with service in the armed  
18 forces of the United States; or

19                    (E) who became totally and permanently disabled  
20 or meet the eligibility requirements for individual  
21 unemployability [~~for purposes of employability~~] according to the  
22 disability ratings of the Department of Veterans Affairs as a  
23 result of a service-related injury; and

24            (2) the children of members of the Texas National  
25 Guard and the Texas Air National Guard who:

26                    (A) were killed since January 1, 1946, while on  
27 active duty either in the service of their state or the United

1 States; or

2 (B) are totally and permanently disabled or meet  
3 the eligibility requirements for individual unemployability [~~for~~  
4 ~~purposes of employability~~] according to the disability ratings of  
5 the Department of Veterans Affairs, regardless of whether the  
6 members are eligible to receive disability benefits from the  
7 department, as a result of a service-related injury suffered since  
8 January 1, 1946, while on active duty either in the service of this  
9 state or the United States.

10 (e) The exemption from tuition, fees, and other charges  
11 provided for by this section does not apply to a person who at the  
12 time of registration is entitled to receive educational benefits  
13 under federal legislation that may be used only for the payment of  
14 tuition and fees if the value of those benefits received in a  
15 semester or other term is equal to or exceeds the value of the  
16 exemption for the same semester or other term. If the value of  
17 federal benefits that may be used only for the payment of tuition  
18 and fees and are received in a semester or other term does not equal  
19 or exceed the value of the exemption for the same semester or other  
20 term, the person is entitled to receive both those federal benefits  
21 and the exemption in the same semester or other term. A person who  
22 is entitled for a semester or other term to receive more than one  
23 type of federal benefit that may be used only for the payment of  
24 tuition and fees may choose which benefit to apply for that semester  
25 or other term. The extent to which an exemption under this section  
26 applies to the person shall be based on the value of the federal  
27 benefit or benefits the person chooses to use for that semester or

1 other term. The combined amount of the federal benefit or benefits  
2 that may be used only for the payment of tuition and fees and that  
3 are received in a semester or other term plus the amount of the  
4 exemption received in that ~~[a]~~ semester or other term may not exceed  
5 the cost of tuition and fees for that semester or other term.

6 (k-1) The procedures under Subsection (k) must provide:

7 (1) the manner in which a person may waive the  
8 exemption;

9 (2) the manner in which a child may be designated to  
10 receive the exemption;

11 (3) a procedure permitting the designation of a  
12 different child to receive the exemption if the child previously  
13 designated to receive the exemption did not use the exemption under  
14 this section for all of the assigned portion of credit hours; ~~[and]~~

15 (4) a method of documentation to enable institutions  
16 of higher education to determine the eligibility of the designated  
17 child to receive the exemption; and

18 (5) a procedure permitting a person who waived the  
19 exemption and designated a child to receive the exemption to revoke  
20 that designation as to any unused portion of the assigned credit  
21 hours.

22 (1) To be eligible to receive an exemption under Subsection  
23 (k), the child must:

24 (1) be a student who is classified as a resident under  
25 Subchapter B when the child enrolls in an institution of higher  
26 education; ~~[and]~~

27 (2) make satisfactory academic progress in a degree,

1 certificate, or continuing education program as determined by the  
2 institution at which the child is enrolled in accordance with the  
3 policy of the institution's financial aid department, except that  
4 the institution may not require the child to enroll in a minimum  
5 course load; and

6 (3) be 25 years of age or younger on the first day of  
7 the semester or other academic term for which the exemption is  
8 claimed.

9 (m) For purposes of this section, a person is the child of  
10 another person if [~~the person is 25 years of age or younger on the~~  
11 ~~first day of the semester or other academic term for which the~~  
12 ~~exemption is claimed and~~]:

13 (1) the person is the stepchild or the biological or  
14 adopted child of the other person; or

15 (2) the other person claimed the person as a dependent  
16 on a federal income tax return filed for the preceding year or will  
17 claim the person as a dependent on a federal income tax return for  
18 the current year.

19 (n) The Texas Higher Education Coordinating Board by rule  
20 shall prescribe procedures by which a child designated to receive  
21 an exemption under Subsection (k) who suffered from a severe  
22 illness or other debilitating condition that affected the child's  
23 ability to use the exemption before reaching the age described by  
24 Subsection (1)(3) [~~(m)~~] may be granted additional time to use the  
25 exemption corresponding to the time the child was unable to use the  
26 exemption because of the illness or condition.

27 SECTION 3. Subchapter D, Chapter 54, Education Code, is



1 amended by adding Section 54.3411 to read as follows:

2       Sec. 54.3411. STUDY REGARDING TUITION AND FEE EXEMPTIONS  
3 FOR CERTAIN MILITARY PERSONNEL AND DEPENDENTS. (a) The Legislative  
4 Budget Board, in consultation with the Texas Higher Education  
5 Coordinating Board and the Texas Veterans Commission, as the  
6 Legislative Budget Board considers necessary, shall study and  
7 evaluate the tuition and fee exemptions provided under Section  
8 54.341. In the study, the Legislative Budget Board shall consider  
9 any available historical data and the projected data regarding  
10 recipients of the exemptions provided under Section 54.341,  
11 disaggregated by veteran, dependent, spouse, and legacy recipient,  
12 for each of the following categories of information:

13               (1) the total number of recipients, disaggregated by  
14 gender, race and ethnicity, institution, and socioeconomic  
15 background as indicated in the Free Application for Federal Student  
16 Aid (FAFSA);

17               (2) the number of undergraduate, graduate, and  
18 doctoral credit hours attempted and earned by semester;

19               (3) the number of degrees attempted and earned, and  
20 the associated semester credit hours required for those degrees,  
21 per recipient;

22               (4) the grade point average of recipients after  
23 completing the first, second, third, and fourth academic years, and  
24 subsequent academic years, as applicable, and to the extent allowed  
25 under the Family Educational Rights and Privacy Act of 1974 (20  
26 U.S.C. Section 1232g);

27               (5) the average time to graduation;

1           (6) the four-year and six-year graduation rates,  
2 retention rates, and noncompletion rates;

3           (7) the number of semester credit hours of  
4 developmental education courses attempted and earned by  
5 recipients;

6           (8) the proportion of federal education benefits,  
7 including veteran and non-veteran benefits, and of the exemption  
8 provided under Section 54.341, used for undergraduate, graduate,  
9 and doctoral semester credit hours attempted and earned by  
10 recipients; and

11           (9) the average cost of tuition and mandatory fees for  
12 an undergraduate, graduate, and doctoral recipient enrolled in a  
13 full course load at an institution of higher education compared to  
14 the average cost for a nonrecipient student enrolled in a full  
15 course load at the same institution for the same degree level.

16           (b) To the greatest extent possible:

17               (1) the Legislative Budget Board shall:

18                   (A) include in its study a review of all federal  
19 education benefits for veterans in order to comprehensively review  
20 the sustainability of state and federal benefits for veterans; and

21                   (B) use applicable data from the 2008-2009  
22 academic year or a more recent academic year as a baseline in the  
23 study; and

24               (2) institutions of higher education shall cooperate  
25 with the Legislative Budget Board by providing any requested data  
26 and ensuring the reliability and validity of the data collected and  
27 submitted for the purpose of the study.

1        (c) Not later than December 1, 2014, the Legislative Budget  
2 Board shall submit to the Texas Higher Education Coordinating  
3 Board, the Texas Veterans Commission, the governor, the lieutenant  
4 governor, and the speaker of the house of representatives a written  
5 report of the results of the study conducted under this section,  
6 together with any recommendations for legislative or  
7 administrative action, including any changes to eligibility  
8 criteria or other changes necessary to promote sustainability,  
9 fiscal efficiency, and effectiveness in the use of the exemption  
10 provided under Section 54.341. A recommendation included in the  
11 report must include an explanation of the basis for that  
12 recommendation.

13        (d) This section expires January 31, 2015.

14        SECTION 4. (a) The changes in law made by this Act by  
15 amending Subsection (a), Section 54.341, Education Code, and by  
16 adding Subsection (a-4), Section 54.341, Education Code, apply  
17 immediately.

18        (b) Except as provided by Subsection (a) of this section,  
19 the changes in law made by this Act to Section 54.341, Education  
20 Code, apply beginning with tuition and fees for the 2013 fall  
21 semester. Tuition and fees for a term or semester before the 2013  
22 fall semester are covered by the law in effect immediately before  
23 the effective date of this Act, and the former law is continued in  
24 effect for that purpose.

25        SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

C.S.S.B. No. 1159

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2013.